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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,651	01/03/2002	Kurt F. Fischer	TRW (AP) 6017	6536

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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,651

Applicant(s)

FISCHER ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed February 19, 2002 has been entered and acknowledged.

### *Claim Objections*

2. Claim 3 is objected to because of the following informalities: the claim language "said protection device *when inflated* has a rearward-facing outer surface portion that is closest to the vehicle occupant when said protection device *is inflated...*" is repetitious with the term inflated. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawaguchi, et al (4,772,045).

Kawaguchi, et al discloses an inflatable vehicle occupant protection device 14 wherein the device has a stored, deflated condition, and an inflated condition (see col. 1, lines 52-63); an inflator 16; a flap made of fabric material 18 wherein the flap is attached to the protection device 14 and is stored with the device; the flap is deployed by inflation

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of the protection device into a position engaging and covering a head of a vehicle occupant, as shown in figure 2. In an inflated condition the protection device has a rearward-facing outer surface portion that is closest to the vehicle occupant and the flap extends along the rearward-facing outer surface portion of the device. Kawaguchi, et al teaches a housing 12 in which the protection device 14 in the deflated condition and the flap are stored. In a deflated condition the protection device 14 is stored in the housing 12 and the flap is folded with the protection device. The flap has opposite end portions, including a first end portion that is sewn to the protection device (see col. 2, lines 13-16) and a second end portion wherein the second end portion of the flap is spaced farther from the inflator than the first end portion when the protection device is inflated, as shown in figure 1. With respect to claim 4, Kawaguchi teaches the flap formed from a chamois skin, it is old and well known in the art that material formed of chamois skin is made of a hide which is a soft texture on a first side and of a rough texture on a second side wherein the hide has a higher coefficient of friction; further Kawaguchi, et al teaches the soft skin is on the side closer to the occupant, leaving the opposite side facing the protection device (see col. 2, lines 8-11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi, et al (4,772,045) in view of Yoshimura, et al (5,588,674).

Kawaguchi, et al teaches the claimed invention except for mounting the protection device on an instrument panel of a vehicle. Yoshimura, et al teaches an instrument panel 20 having an upper portion extending generally rearward in the vehicle from the vehicle windshield; a deployment opening facing generally upward and rearward in the vehicle and having a forward edge portion and a rearward edge portion; and a flap 300 extending from the rearward edge portion of the deployment opening in an inflated condition, as shown in figure 11. Based on the teachings of Yoshimura, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the protection device of Kawaguchi, et al to be mounted on an instrument panel of a vehicle to protect a passenger during a collision of the vehicle.

Kawaguchi, et al teaches the claimed invention except for the flap overlying the protection device in a stored, deflated condition. Yoshimura, et al teaches an protection device 200 comprising a flap 300 wherein the flap overlies the protection device 200 in a stored, deflated condition, as shown in figure 4. Based on the teachings of Yoshimura, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flap of Kawaguchi, et al to overlie the protection device when in a stored, deflated condition to provide constant friction upon inflation between the protection device and the flap to ensure smooth deployment of the airbag.

Kawaguchi, et al teaches the claimed invention except for the second end portion of the flap not sewn the protection device. Yoshimura, et al teaches a flap 300 having a

second end portion not sewn to the protection device, as shown in figure 4. Based on the teachings of Yoshimura, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the second end of the flap of Kawaguchi, et al to not be sewn to the protection device to facilitate smooth deployment of the airbag.

***Allowable Subject Matter***

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Hirabayashi reference discloses some features in common with the present invention such as an airbag and/or protection device mounted in an instrument panel of a vehicle comprising a flap of material. The Rhule, et al reference also discloses some features in common with the present invention such as an airbag comprising a flap of material wherein the flap overlies the airbag when in a stored, deflated condition.

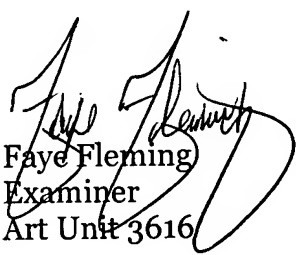
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616

03/04/03